

UNITED STATES DISTRICT COURT JAN 9 2015

for the

David J. Bradley, Clerk of Court

Southern

United States of America)

v.)

Case No. C-15-27M

CANDELARIA, Pedro)

MAREZ, Cynthia)

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

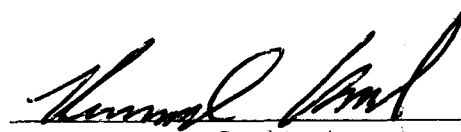
On or about the date(s) of 1/8/2015 in the county of Brooks in the
Southern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

841(a)(1)

knowingly, intentionally and unlawfully
possess with the intent to distribute a
controlled substance in Schedule II of
the Controlled substance Act of 1970, to
wit: 2.2 kilograms, approximate gross
weight, of methamphetamine.

This criminal complaint is based on these facts:

See Attachment "A"

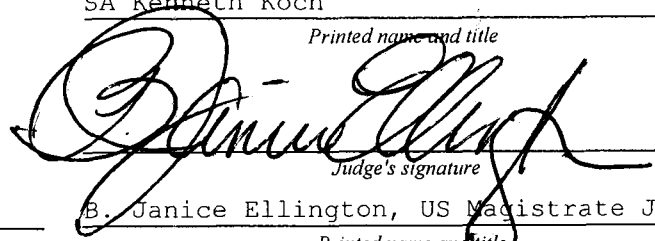
☒ Continued on the attached sheet.

Complainant's signature

SA Kenneth Koch

Printed name and title

Sworn to before me and signed in my presence.

Date: 1/8/2015

Judge's signature

City and state: Corpus Christi, Texas

B. Janice Ellington, US Magistrate Judge

Printed name and title

Attachment "A"

At approximately 12:45 A.M., a Greyhound Bus approached the primary lane for an immigration inspection of its occupants. The bus was referred to secondary for further inspection of its occupants. While in the secondary area, Border Patrol Agent Anthony D'Amico and Juan Macedo boarded the bus. Agent Macedo proceeded to the end of the bus to inspect the bathroom area. As Agent Macedo was walking along the aisle of the bus, Agent Macedo noticed a bottle of sprite in the middle of the aisle. Agent Macedo asked the passenger, later identified as, CANDELARIA, Pedro Jr., if the bottle of sprite was his and he stated, "Yes, sir I'm sorry it's mine". CANDELARIA's reply caught Agent Macedo's attention because CANDELARIA was extremely loud and firm. Agent Macedo continued to walk towards the back of the bus. As Agent Macedo conducted his immigration inspection from the back to the front of the bus, Agent Macedo heard Agent Damico talking to a male passenger who was extremely loud. Agent Macedo turned around to see who Agent Damico was speaking with and Agent Macedo noticed it was Pedro CANDELARIA. As Agent Macedo continued with his immigration inspection, Agent Macedo kept hearing Agent Damico and CANDELARIA talking.

According to Agent D'Amico, he approached a male subject, later identified as CANDELARIA, Pedro JR, while conducting his immigration check of the passengers on the bus. Agent D'Amico asked CANDELARIA if CANDELARIA was a U.S. citizen to which he replied "yes". CANDELARIA displayed signs of nervousness. CANDELARIA made little eye contact and was moving constantly moving in his seat. Agent D'Amico asked CANDELARIA where CANDELARIA was traveling and CANDELARIA responded to "Houston". Agent D'Amico asked if CANDELARIA had an ID and CANDELARIA provided a Texas ID card. Agent D'Amico asked if CANDELARIA had any secondary form of ID and CANDELARIA responded "no". Agent D'Amico asked if CANDELARIA had a wallet because CANDELARIA pulled the ID from his jacket pocket. CANDELARIA said "no". Agent D'Amico asked if CANDELARIA lived in Houston and CANDELARIA responded, "no, I am going to visit my friend, my cousin, my girlfriend, hey it's not your business what I'm doing up there man". Agent D'Amico asked CANDELARIA who he was going to visit and CANDELARIA responded, "Hey man it doesn't matter who I'm going to see. I'm just going to Houston with my friend for a few days". Agent D'Amico asked who CANDELARIA was traveling with and CANDELARIA responded, "with her" and pointed to a female, later identified as MAREZ, Cynthia Emily, who was sitting across the aisle from CANDELARIA. Agent D'Amico asked CANDELARIA if he had any bags with him and CANDELARIA responded "no".

Agent D'Amico asked MAREZ if she was a U.S. citizen to which MAREZ responded "yes". Agent D'Amico asked if MAREZ had an ID and MAREZ provided a temporary Texas paper ID and a social security card. Agent D'Amico asked if MAREZ had another form of ID and MAREZ responded, "No, I don't". Agent D'Amico asked MAREZ if she was traveling with CANDELARIA and MAREZ responded, "yes, we are going to Houston". Agent D'Amico asked if MAREZ had any bags with her other than her purse and MAREZ replied, "No I don't". Agent D'Amico was suspicious that MAREZ was travelling to Houston for a few days and had no luggage. At this time, Agent Macedo approached the two subjects from the back of the bus. Agent Macedo asked the passengers of the bus if a grey bag above CANDELARIA's head belonged to anyone. The bag was not claimed. At that time, CANDELARIA spoke up and created a small scene by loudly stating that the person who owned the bag needed to come forward.

From Agent Macedo's experience dealing with people smuggling narcotics on busses and CANDELARIA's erratic behavior, Agent Macedo asked CANDELARIA and MAREZ to exit the bus for further inspection.

Once outside the bus, Agent Macedo and Agent D'Amico separated CANDELARIA and MAREZ. Agent Macedo, questioned CANDELARIO and Agent Damico questioned MAREZ.

For officer safety, Agent Macedo asked CANDELARIA if he could pat CANDELARIA down. Due to the cold temperature, CANDELARIA was wearing a heavy jacket, which could easily conceal a hidden weapon. CANDELARIA became very offensive and kept saying that Agent Macedo was violating CANDELARIA's rights and CANDELARIA refused to be patted down. Agent Macedo told CANDELARIA that Agent Macedo was going to pat CANDELARIA down. CANDELARIA stated "No, you are violating my rights". CANDELARIA turned to MAREZ and yelled, "They are violating my rights honey". At this point, CANDELARIA took off his jacket and then his shirt and stated again, "You are violating my rights". CANDELARIA continued saying, "You see I don't have anything on me". All of a sudden, CANDELARIA unbuttoned his pants and began to take them off. Agent Macedo advised CANDELARIA Agent Macedo was only going to pat him down and not take off his clothing and CANDELARIA responded, "You are violating my rights and I don't have anything on me". Agent Macedo told CANDELARIA to put his clothing on and that CANDELARIA was free to enter the bus. CANDELARIA stated "Can I take my girlfriend". Agent Macedo advised CANDELARIA that MAREZ was still being questioned. Agent Macedo told CANDELARIA to get on the bus and CANDELARIA complied.

While Agent Damico continued questioning MAREZ Agent Macedo noticed MAREZ seemed nervous as MAREZ was moving from side to side. Agent Macedo observed that the jacket MAREZ was wearing was to her knees. The heavy jacket could easily conceal a weapon. Agent Macedo asked MAREZ to unbutton her jacket and she agreed. Agent Macedo asked MAREZ to lift her jacket and turn around. When MAREZ turned around, Agent Macedo could see a clear plastic object strapped around MAREZ's back. Agent Macedo asked MAREZ to enter the checkpoint so a female agent could pat MAREZ down. At this time, MAREZ agreed and Agent Macedo escorted her inside the checkpoint

Once inside the checkpoint, Agent Macedo asked Border Patrol Agent Mindy Hall if she could pat down MAREZ. Agent Hall escorted MAREZ to a private cell inside the checkpoint. After the pat down, Agent Hall found three vacuum sealed bags strapped to MAREZ's body. The substance was field tested and it was positive for methamphetamine. The total weight is approximately 2.2 kilograms (AGW). MAREZ was placed under arrest for narcotics smuggling and Agent Macedo read MAREZ her Miranda Rights Warnings. MAREZ signed the Miranda Rights form and agreed to speak with Agent Macedo.

MAREZ stated that she knew she had drugs strapped to her body but did not know what type of drug it was and did not know how much it was. MAREZ claimed that she was forced by CANDELARIA to smuggle the drugs. MAREZ said that CANDELARIA knew that she was trying to smuggle the drugs strapped to her body. At this time, Agent Macedo asked agents to get CANDELARIA from the bus. CANDELARIA was escorted inside the checkpoint. Once inside the checkpoint, CANDELARIA was advised that he was being arrested for assisting MAREZ in trying to smuggle the drugs. While they were removing CANDELARIA personal belongings from him, CANDELARIA requested a lawyer. Agent Macedo continued to question MAREZ. MAREZ stated that she owed CANDELARIA a favor for leaving him stranded on the highway a few weeks ago. MAREZ said the only way to pay him back was to smuggle the drugs. MAREZ said that she needed extra money to support her family and that she was told by CANDELARIA that she was going to get paid \$3,000 USD. MAREZ stated that yesterday around 1:30 pm,

MAREZ and CANDELARIA crossed into Reynosa, Tamaulipas, Mexico via the pedestrian bridge in Hidalgo Texas.

On January 8, 2015, at approximately 1:00 P.M., S/A K. Koch and TFO T. Beach arrived to the Falfurrias, Texas U.S. Border Patrol Checkpoint to investigate the arrest of MAREZ and CANDELARIA. S/A Koch contacted the Hidalgo International Bridge and was advised that CANDELARIA crossed into the United States on two occasions on January 7, 2015. S/A Koch was advised that CANDELARIA crossed at approximately 7:01 P.M. and 10:38 P.M.

Prior to transporting MAREZ and CANDELARIA to the Coastal Bend Detention Center, S/A Koch was advised by Supervisory Border Patrol Agent Jonathan Whitehurst that Agent Whitehurst heard CANDELARIA yelling. Agent Whitehurst walked to the jail cell and observed CANDELARIA standing on a bench directly below the air vent. CANDELARIA was screaming into the vent saying, "Cynthia, don't talk to them! Don't say anything! Ask for a lawyer!" CANDELARIA made this statement approximately four times before Agent Whitehurst told CANDELARIA to be quite and get off the bench. Agent Koch believes CANDELARIA was attempting to intimidate MAREZ.

The amount of methamphetamine seized infers distribution. AUSA Julie Hampton authorized prosecution of MAREZ and CANDELARIA.